

Pro Se 7 2016

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

JEROME ARMAND FOTSO SOH NDE

CASE NO. 2:21-cv-00625 RAJ  
[to be filled in by Clerk's Office]

COMPLAINT FOR EMPLOYMENT  
DISCRIMINATION

Jury Trial: ☒ Yes ☐ No

Plaintiff(s),

v.

AGC Biologics Inc.

Defendant(s).

**I. THE PARTIES TO THIS COMPLAINT**

**A. Plaintiff(s)**

*Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.*

Name	<u>JEROME ARMAND FOTSO SOH NDE</u>
Street Address	<u>6741 NE 182ND ST UNIT C208</u>
City and County	<u>KENMORE, KING COUNTY</u>
State and Zip Code	<u>WA, 98028</u>
Telephone Number	<u>2064953438</u>

COMPLAINT FOR EMPLOYMENT DISCRIMINATION - 1

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B. Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name AGC Biologics Inc.

Job or Title (if known)

Street Address 21511 23rd Dr. SE

City and County Bothell , Snohomish County

State and Zip Code WA , 98021

Telephone Number +1 425 - 485 -1900

Defendant No. 2

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

Defendant No. 3

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

COMPLAINT FOR EMPLOYMENT DISCRIMINATION - 2

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Defendant No. 4

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

## C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is:

Name

AGC Biologics Inc.

Street Address

21511 23rd Dr. SE

City and County

Bothell , Snohomish County

State and Zip Code

WA , 98021

Telephone Number

+1 425 - 485 -1900

## II. BASIS FOR JURISDICTION

This action is brought for discrimination in employment pursuant to *(check all that apply)*:



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

*(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

*(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)*

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☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

*(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

☐ Other federal law (specify the federal law):

☐ Relevant state law (specify, if known):

☐ Relevant city or county law (specify, if known):

### III. STATEMENT OF CLAIM

*Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.*

**please see attachment " statement of Claim "**

A. The discriminatory conduct of which I complain in this action includes (check all that apply):

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☒ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation.

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☐ Other acts (specify): \_\_\_\_\_

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

C. I believe that defendant(s) (check one):

- ☐ is/are still committing these acts against me.  
☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

- ☒ race black/african  
☒ color black  
☐ gender/sex \_\_\_\_\_  
☐ religion \_\_\_\_\_  
☒ national origin Cameroon/Africa  
☐ age (year of birth) \_\_\_\_\_ (only when asserting  
a claim of age  
discrimination.)  
☐ disability or perceived disability (specify disability)  
\_\_\_\_\_

E. The facts of my case are as follows. Attach additional pages if needed.

please see attachment " FACTS "

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

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**IV. EXHAUSTION OF FEDERAL ADMINISTRATIVE REMEDIES**

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

**Oct - 07 -2020**

B. The Equal Employment Opportunity Commission *(check one)*:

☐ has not issued a Notice of Right to Sue letter.

☒ issued a Notice of Right to Sue letter, which I received on *(date)*

**February - 16 - 2021**

*(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)*

C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

☐ 60 days or more have elapsed.

☐ less than 60 days have elapsed.

**V. RELIEF**

*State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.*

**please see attachement " RELIEF "**

COMPLAINT FOR EMPLOYMENT DISCRIMINATION - 6

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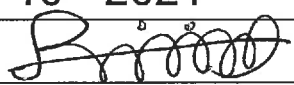
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1 **VI. CERTIFICATION AND CLOSING**

2 Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my  
 3 knowledge, information, and belief that this complaint: (1) is not being presented for an improper  
 4 purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;  
 5 (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or  
 6 reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so  
 7 identified, will likely have evidentiary support after a reasonable opportunity for further  
 8 investigation or discovery; and (4) the complaint otherwise complies with the requirements of  
 9 Rule 11.

10 I agree to provide the Clerk's Office with any changes to my address where case-related  
 11 papers may be served. I understand that my failure to keep a current address on file with the  
 12 Clerk's Office may result in the dismissal of my case.

13 Date of signing: MAY - 10 - 2021  
 14 Signature of Plaintiff   
 15 Printed Name of Plaintiff Jerome Armand Fotso Soh Nde

16  
 17 Date of signing: \_\_\_\_\_  
 18 Signature of Plaintiff \_\_\_\_\_  
 19 Printed Name of Plaintiff \_\_\_\_\_

20  
 21 Date of signing: \_\_\_\_\_  
 22 Signature of Plaintiff \_\_\_\_\_  
 23 Printed Name of Plaintiff \_\_\_\_\_  
 24

COMPLAINT FOR EMPLOYMENT DISCRIMINATION - 7

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## STATEMENT OF CLAIM

AGC biologic inc has discriminated against me based on my color, race, national origin.

I was subjected to a hostile work environment by my manager Ray Beaver and he eventually terminated my employment. On or about February 2018 when I was hired at AGC biologics, I noticed I was the only black person in my department. Mr Ray Beaver called me in his office and told me that he does not like people that look like me. He said that we are lazy and disrespectful but if I humble myself and keep my head down enough to be noticed, he will tolerate me. I was very shocked and I thought about reporting the incident to HR but I was afraid of retaliation and loosing my job. I was stuck and there was nothing I could do because I was going through a very rough financial time and I needed the job to survive. So I kept my head down as he told me. However, during my employment at AGC biologics inc Mr Ray Beaver kept making my work environment very hostile and setting me up for failure. I was constantly written up, received a harsher punishment and warning than my caucasian co-workers. I was constantly threatened to be fired for taking my regular breaks, for being sick and not being able to come to work, for coming late to work even when I notified the shift leader that I will be late at least 2 hours before the start of my shift.

Despite being called the smartest and hard working employee in my department and receiving many awards, recognitions and good performance reviews by my previous supervisors, I was never promoted nor offered a raised. Mr Ray beaver promoted newer employee and offered them a raise. Mr Ray Beaver instead went ahead and gave me the worst performance review which contained nothing but fabricated lies in an attempt to destroy my reputation and to use that as an excuse to fire me. He also handed me a performance improvement plan (PIP) which contained nothing but false and fabricated accusations and he bullied me to sign it in an attempt to guilt trap me. I told him I was not going to sign it because the accusations are false. He retaliated against me and continued to bully me into signing the PIP for almost a month. He kept calling me lazy and disrespectful. He then went ahead and fabricated lies and used that to terminate my employment. Mr Ray Beaver made it known to me from the beginning of my employment at AGC biologics that he does not like me because of my color, race, national origin. Even though the reasons ( 1. Sleeping on the job which creates a safety risk to your co-workers, an operational risk to our business and poor moral among the team 2. An unsatisfactory record of not reporting to work as scheduled, reporting to work late, and taking extended unauthorized breaks 3. Unprofessional and disrespectful behavior directed towards department management ) why my

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employment was terminated by Mr Ray Beaver were all lies, I am the only one who got fired for those reasons. My caucasian coworkers who displayed or are displaying those behaviors are getting away with it and they have never been terminated for it.

Ryan Bennet my team member and co -worker ( Caucasian ) hardly showed up for work and was constantly late. He will miss work for months in a row but he never got fired for it

Ben Markely my co -worker ( Caucasian ) used to work night shift like me and was constantly sleeping on the floor even during critical manufacturing operations. He never got into troubles nor got fired for that. The management instead switched him to day shift

Matt Dennison my teammate and co - worker ( Caucasian ) often displayed rude and disrespectful behaviors towards management. He will come to work and leave whenever he wants but he was never got terminated for that

Ingamar my co-worker ( Caucasian ) was very disrespectful to the management and will not listen to directions. He will sometimes curse them out but he never got terminated for that.

They never got terminated for any of those behaviors but instead got a promotion and a raise

Yawo my co-worker who is the same race, color, national origin like me is being subjected to the same discrimination and hostile work environment by Mr Ray Beaver.

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## **RELIEF**

I respectfully request that this court order the defendant to pay Mr. Jerome Armand Fotso Soh Nde the sum of two million dollars ( \$2000000 ) which includes but not limited to

- 1) Appropriate backpay with prejudgment interest
- 2) Compensation for past and future pecuniary losses resulting from unlawful employment practices described above, including but not limited to job search expenses and medical expenses
- 3) Compensation for past and future non-pecuniary losses including emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life and humiliation
- 4) Punitive damage for malicious and /or reckless conduct described above.
- 5) Mr Jerome Armand Fotso Soh Nde attorney's fees associated with this case

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## FACTS

I was discriminated against based on my race, color, national origin and I was subjected to a very hostile work environment by my manager Ray Beaver during my employment with AGC biologics inc and he eventually terminated my employment.

Ray beaver did not like me since the first day i started working for AGC biologics. He displayed a lot of racial prejudice towards me and I quickly realized it was because of my race, color ,national origin. I am a black male and from mainland Africa. Even though I requested so many times, Ray beaver has never had a one on one with me to talk about job duties and expectations. People who started working for AGC biologics around the same time like me(kelin briant, chris white, Sandya, ingamer hutspen) all got promoted. Everyone on my shift (Ryan,Matt) all got promoted but I did not get any promotions even though i have been called one of the brightest mind in manufacturing, I went above and beyond to trouble shoot operations and prevented major deviations from happening, I have always carried all my tasks with ease and accuracy, prevented product from going down the drain in numerous occasions ,yet I have never been acknowledged by Ray beaver. I knew from the start that his prejudice towards me was going to hurt my reputation and I was not too surprised when it happened. Yawo, one of my coworker who is black and same background origin like me but works on a different shift at AGC biology can testify that Ray beaver is infact a very racist individual . Yawo has also received the same prejudice treatment on numerous occasions from Ray beaver

On 23MAR2020 Ray beaver sent out my performance review. Throughout the year 2019, Ray has only been on the floor once on my shift during processing but he went ahead and wrote in my performance review that "Jerome is inconsistent in support his teammates, when performing setup along with a supervisor or higher level associate he has a tendency to wait for the process to fail before assisting and fixing when he sees them doing it incorrectly".What he wrote is completely fabricated and false in an attempt to target and sabotage me. When I asked my coworkers (Ryan Bennet, Matt Denison and Robert Holmes) with whom I have been working for almost 2.5 years if they have ever witnessed or experienced such a behavior from me, they said no.I have been working with Corey (previous supervisor) consistently on the floor for almost 8 month. The review he gave me is day/night compared to what Ray beaver gave me which once again proves that Ray beaver has been discriminating against me. If I was displaying any behaviors Ray mentioned in his review, Corey would have pointed it out.Even though my performance review was completely false and inaccurate, I sent an email to Ray

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and cc Gail so that we could find a solution plan but Ray dismissed my request and never replied to my email. When I consulted with my coworker, they said Ray gave them a better review and they are satisfied, this overall confirmed that I was being targeted by Ray beaver. On 05APR2020 Ray beaver claims that one of the reason he fired me is because I was sleeping during column elution that happened on 17MAR2020. However, there is no record or proofs of me sleeping on the floor that day. I attached the testimony of my coworkers with whom I was working on the floor that day. They clearly testify that I was not sleeping on the floor and have never experienced or witnessed such a behavior from me. Please see attachment. If that was really a reason, why wait till the 05APR2020, almost 3 weeks after the incident to fire me. On 03MAR2020 Ray presented me with a personal improvement plan that had so many false accusations towards me and bullied me for almost a month into signing it in an effort to guilt trap me and to find reasons to terminate my employment.

I was mistreated in numerous occasions while working at AGC biologics. I worked more than 8 hours without taking any breaks on several occasions. Due to this prolonged thirst, hunger and tiredness, I started getting really sick. According to Washington State law, employee are required to take breaks after 3 hours of work. When I addressed this issue to Ray beaver so we could find a solution, he completely dismissed me and accused me of being lazy. I couldn't take my break when ever I felt I needed one because I was afraid of retaliations which in several occasions came in the form of bad mouthing, critics and false performance review. I experienced bully from Ray beaver while working at AGC biologics. On 03MAR2020 when Ray beaver handed me my performance improvement plan, I told him that what he wrote against me was not true and I needed proofs of his accusations. He went ahead and threatened me and accused me of not carrying out the task of signing my personal improvement plan and made it seem like i was not doing my job.

He said he could fire me if he wants to, he just needs to find a reason and convenient words to fire me. I was so shocked and scared at the same time. He later went on to retaliate against me and gave me a bad performance review. Work is supposed to be a safe place but Ray beaver has never displayed a positive attitude when he is around me. He is always cold and angry at me in an attempt to intimidate me.

Everything Ray beaver wrote about me in my performance review as well as my personal improvement plan is clearly an attempt to sabotage my reputation at AGC biologics. He said nothing positive about me. If he mentioned something positive he will follow up with something negative and make the over all statement look

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negative, all this in an attempt to ruin my image. If I was a horrible worker like he claims then I will not have the great results I have. I have the least amount of deviations among all associates. I have never been involved in a critical deviations. I have never made a mistake at work, hurt my self or hurt someone at work or put the process at risk. I have always been a good team player. I never disrespected anyone at work nor cause a fight or drama, I am very professional. I'm always consistent with work schedule (Andrew the upstream supervisor can testify as he has mentioned several times that I am always the only person from my shift he sees all the time at work). I always went above and beyond to deliver what is expected of me. I prevented a lot of deviations from happening, I troubleshoot process equipment without which we would have experienced tremendous delays and process impact. I found solutions where no one could find. I have done nothing but a great job at AGC biologics and my performance review under different supervisors can reflect that. My coworkers Matt Denison, Ryan Bennet with whom I worked for almost 2.5 years can testify. I occasionally worked on other shifts with ingemmer hutspen, Megan long, Michael Ledesma, Emily west, yawo, giberlto, praveen natt just to name a few and you can ask them about my work ethic and my personality and they will tell you the truth.

I have experienced numerous situation where I felt dehumanized while working at AGC biologics. Sometime during November 2019, I was sick and decided to call out sick but to my greatest surprised I received a phone call from Ray beaver. Even though I told him I was sick and could not work, he insisted I should come to work. When I arrived, he said I'm late and next time he will write me up. This situation made me feel so dehumanized as if my health does not matter. On or about 01JAN2020, even though I reported to my shift lead that I will not be coming in until later and received a verbal approval from him. An unforeseen incident happened where I got in a car accident. When I reported to work later that night (2 hours late) even though I called in to notify of my delay, I was summoned by Ray beaver and accused of lying and was written up. I was really shocked because this is a true situation that happened to me and instead of being accommodating since I was already going through a tough night. That blow on the face made feel like I don't matter. Matt Dennison overslept that same day and showed up to work 3 hours later but Ray didn't write him up nor summoned nor gave him a warning. On 06JAN2020, during a meeting with Ray beaver, he said we can use our sick time as we want that it was given to us to use. However, during the month January I started getting sick due to flue, cold and fever. I kept catching the flue and was not feeling well enough to come to work so I went ahead and used my sick time to take care of myself. To my greatest surprised Ray wrote me up for using my sick time and taking care of myself claiming that it is a pattern and

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accused me of lying. I was really shocked and it made me feel dehumanized as if my health don't matter. On 09FEB2020 I started having severe lower abdominal pain the night prior to my shift and informed the shift lead of my situation. I called my shift lead and notified him of the situation. I said I was going to take pain killers and hope I feel better and will keep them updated of my situation. I updated them of the potential being late because of the situation and they agreed upon. However, 30 minutes past the start of my shift I started feeling a little bit better and asked them if I could come to work. Driving to work worsen my condition as the pain came back. When I got to work I was hurting. I was informed there was not enough coverage for the night. I wanted to help but I was powerless. I figured if I hang around I can help them with any questions since I was the most senior on the shift that night. I even went ahead and requested them to let me know if they really need me on the floor. Despite my pain I wanted to contribute to the shift. I was later called on the floor by the shift lead to perform a protein reading. During this step he asked me to provide a doctors notes so I could be allowed on the floor. I responded by telling him that if he needed the doctor's notes, he should not have requested me to come to the floor. He insisted and said I should go to the doctor and bring him a doctor's notes to which I replied that if I ever go to the doctor is to treat myself first and not for the sole purpose of getting a doctor's notes. Instead of going to the doctor just for the sole purpose of getting a doctor's note, I can just use my sick time, I added. However, this conversation was twisted by Ray beaver saying that I said I did not need a doctor's note because I have available sick time. All these in an attempt to make me feel bad for being sick. He went ahead and wrote me up for leaving early as if I didn't leave because I was sick. I went to the hospital the next day and was told by the doctor to rest until I feel better and ready to go to work. I communicated that to ray but he insisted that I have a doctor signature that I can come to work and perform light duty. I had plenty of sick time and didn't understand why he doesn't want me to use them to treat myself even though I was really sick. This made me feel dehumanized as if my health is not important.

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